



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 23, 1998

Mr. Robert Gervais
Assistant City Attorney
City of Galveston
P.O. Box 779
Galveston, Texas 77553-0779

OR98-1518

Dear Mr. Gervais:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 116204.

The City of Galveston (the "city") received a request for records, including audiotapes, concerning a trailer and boat named "My Girl." You submitted to this office for review information that is responsive to the request, including a report about the trailer and boat, and information obtained through the TLETS/TCIC network. You assert that the records at issue are protected from disclosure under section 552.101 of the Government Code in conjunction with section 411.083(b) of the Government Code, and also under section 552.108 of the Government Code.

Section 552.101 protects from disclosure information that is confidential by law. Section 411.083 generally makes confidential criminal history record information on individuals. The information at issue concerns a boat and trailer rather than an individual. Since the TLETS/TCIC network information at issue is not criminal history record information, it is not confidential under section 411.083. We note that you have cited no other law that makes this information confidential. Open Records Decision No. 565 (1990) at 9-10.

You also assert that the records at issue are protected from disclosure under section 552.108 of the Government Code. Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. You state that these records relate to the detection and investigation of a crime and add that "[r]elease of these records would give the perpetrators of the boat theft knowledge of the police department's investigation and what information the police department has accumulated on the theft."

Based upon your assertion that there is a current investigation into the alleged theft, we agree that section 552.108 protects most of the information at issue from disclosure.

However, you must provide the requestor with front page information concerning the incident. Section 552.108(c) provides that basic offense report information is not protected from disclosure. Basic information is the type of information that is generally included on the front page of an offense report, including a detailed description of the offense. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177, 186-87 (Tex. Civ. App.--Houston [15th Dist.] 1975), *writ ref'd n.r.e. per curiam*, S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/mjc

Ref: ID# 116204

Enclosures: Submitted documents

cc: Mr. Blu Shields
4914 Travis
Galveston, Texas 77551
(w/o enclosures)